

March 12, 2007

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Re: **NOTICE OF EX PARTE PRESENTATION**
RM No. 11355
WT Docket No. 01-108

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules,¹ this letter provides notice of a meeting that took place on Friday, March 9, 2007 to discuss the positions of ALLTEL Corporation, Dobson Communications Corporation, and Verizon Wireless ("Joint Commenters") and AT&T, on behalf of AT&T Mobility LLC, in the above-referenced proceeding. The meeting was attended by the following:

Cathleen Massey, Deputy Bureau Chief, WTB
Richard Arsenault, WTB
Jay Jackson, WTB
Joyce Jones, WTB
David Hu, WTB
Moslem Sawez, WTB (by phone)

Glenn S. Rabin (Alltel)
Brian F. Fontes (AT&T Mobility)
Andre J. Lachance (Verizon Wireless)
Kathryn A. Zachem (Wilkinson Barker)
Lawrence J. Movshin (Wilkinson Barker)
Robert G. Kirk (Wilkinson Barker)

¹ See 47 C.F.R. §§ 1.1206(a), (b).

Marlene H. Dortch
March 12, 2007
Page 2

The presentation generally reiterated positions taken in the submissions of the Joint Commenters and AT&T Mobility,² with particular focus on the following:

- Analog *rule* does not apply to the alarm industry
 - Rule Section 22.901(b) requires cellular carriers to offer two-way *mobile* voice AMPS to *cellular telephones*.
 - Commission has already determined that the analog rule does not apply to fixed devices, such as those utilized by the alarm industry, even if they have a public safety component.³
- High hurdle associated with extending the sunset date.
 - Two bases for the rule: (i) to ensure the availability of handsets at reasonable costs; and (ii) to enable roaming.
 - Rule deemed unnecessary pursuant to Section 11 which *requires* elimination of rules that the Commission decides are no longer needed due to competition.
 - Commission determined that rule should be eliminated but, consistent with the original purpose of the rule, adopted a five-year sunset which was incorporated into the rule to ensure that subscribers needing hearing air compliant handsets and emergency only cellular phones would have replacement options.
 - Extension of sunset to accommodate alarm industry is inconsistent with the original purpose of the rule and the transition period previously adopted.

² See Motion of ALLTEL Corporation, Dobson Communications Corporation, and Verizon Wireless to Dismiss, RM No. 11355 (filed Jan. 19, 2007); Joint Comments of ALLTEL Corporation, Dobson Communications Corporation, and Verizon Wireless, RM No. 11355 (filed Jan. 19, 2007); Joint Reply Comments of ALLTEL Corporation, Dobson Communications Corporation, and Verizon Wireless, RM No. 11355 (filed Feb. 6, 2007); Joint Reply to Opposition to Motion to Dismiss filed by ALLTEL Corporation, Dobson Communications Corporation, and Verizon Wireless, RM No. 11355 (filed Feb. 6, 2007); Opposition of AT&T Mobility LLC, RM No. 11355 (filed Jan. 19, 2007); Reply Comments of AT&T Mobility LLC RM No. 11355 (filed Feb. 6, 2007).

³ See *Analog Sunset Order*, 17 FCC Rcd 18401, 18416 n.82 (2002).

Marlene H. Dortch
March 12, 2007
Page 3

- To afford the alarm industry the requested relief, the Commission would have to (i) modify the rule, (ii) announce a new basis and purpose, (iii) extend the transition period — in the 4th year of a five year sunset, for a rule deemed unnecessary under Section 11 and which, therefore, must be eliminated; (iv) compile a record justifying the expansion of a rule (already deemed unnecessary) to an industry that has never been covered by the rule, especially given the availability of 19,000 digital alarm radios per month and other non-cellular replacement options; and (v) explain why it is reasonable for the FCC to extend the sunset and expand the scope of the rule when the alarm industry has the ability to solve the problem.
 - Modification of the rule and extension of the sunset for the benefit of the alarm industry would be inconsistent with the deregulatory purpose of the 1996 Act — which adopted Section 11.
- An extension is unnecessary.
 - The replacement of analog equipment was and remains within the control of the alarm industry and can be accomplished by the original sunset date — February 18, 2008.
 - Petitioners admit that they are provisioning 19,000 digital radios each month which, assuming no increase in manufacturer production, allowed the replacement of nearly 250,000 digital radios by the sunset date.
 - Digital cellular radios are not the only replacement options.
- An extension will not cure the alarm industry's problem.
 - Cellular carriers are not required to provide fixed service, it is a permissive option.

WILKINSON) BARKER) KNAUER) LLP

Marlene H. Dortch

March 12, 2007

Page 4

If you have any questions concerning this notice, please contact the undersigned.

Respectfully submitted,

/s/Kathryn A. Zachem

Kathryn A. Zachem

Cc (via email):

Cathleen Massey
Richard Arsenault
Jay Jackson
Joyce Jones
David Hu
Moslem Sawez